

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DELIA BERGLUND and DARLENE )  
VASQUEZ, )  
                                  )  
Plaintiffs, )  
                                  )  
vs. )  
                                  ) NO. CIV-06-672-D  
THE TOWN OF ASHER, OKLAHOMA, )  
a Municipal Corporation; THE BOARD OF )  
COUNTY COMMISSIONERS OF )  
POTTAWATOMIE COUNTY; KURT )  
SHIREY, Sheriff of Pottawatomie County, )  
Oklahoma; JAMES BRAND; DEPUTY )  
SWEARINGEN; and DEPUTY )  
RODRIGUEZ, )  
                                  )  
Defendants. )

ORDER

Before the Court is the Plaintiffs' Motion [Doc. No. 66] to Reconsider, Alter, Amend and Vacate the July 8, 2008 Order granting the separate motions for summary judgment filed by defendants the Board of County Commissioners of Pottawatomie County ("Board"), Kurt Shirey ("Shirey"), Keith Swearingen ("Swearingen"), and Anthony Rodriguez ("Rodriguez"). Defendants have timely filed a response to the Motion.

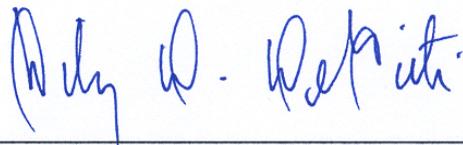
Plaintiffs seek relief pursuant to Fed. R. Civ. P. 59(e); they contend that the Court erred in granting the motions. As Defendants point out in their collective response, a Rule 59(e) motion to reconsider should be granted only to "correct manifest errors of law or to present newly discovered evidence." *Committee for the First Amendment v. Campbell*, 962 F.2d 1517, 1523 (10<sup>th</sup> Cir. 1992).

In their motion and brief, Plaintiffs do not argue that newly discovered evidence should alter

the ruling on the motions. Instead, they assert the same arguments presented in opposition to the motions for summary judgment; they contend that the ruling on the motions was incorrect.

Having reviewed the Plaintiffs' arguments and the response of Defendants, the Court finds that Plaintiffs have not shown a basis for relief pursuant to Fed. R. Civ. P. 59(e). Accordingly, their Motion [Doc. No. 66] is DENIED. The case will proceed against the remaining defendants.

IT IS SO ORDERED this 20<sup>th</sup> day of August, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE